

## **GOVERNMENT OF TELANGANA ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Prog. Rc.No.C3/2596/2019-19, dated 31.01.2020 - Appeal filed by Rathod Sujatha D/o Namdev R/o Yenda Village of Utnoor Mandal of Adilabad – Appeal allowed – Orders – Issued.

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### **TRIBAL WELFARE (LTR) DEPARTMENT**

**G.O.Ms.No. 19**

**Dated: 06-02-2021  
Read the following:-**

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Prog. Rc.No.C3/2596/2019-19, dated 31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Rathod Sujatha D/o Namdev R/o Yenda Village of Utnoor Mandal of Adilabad, dated 20.02.2020.
4. Govt.Memo.No.304/TW.LTR/2020, dated 05.06.2020
5. Lr.Rc.No.D5/309/2018, dated: 30.07.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.304/TW.LTR/2020, dt. 28.08.2020.

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### **ORDER:**

In the reference 1<sup>st</sup> read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

**2)** In pursuance of the said Government orders under reference 1<sup>st</sup> read above, the District Collector, Adilabad District vide her orders in the reference 2<sup>nd</sup> cited, has cancelled Agency Area Local ST Certificate bearing Rc.No.E/63/2015, dt.30.01.2015 issued by the Tahsildar, Utnoor Mandal to Rathod Sujatha D/o Namdev R/o Yenda Village of Utnoor Mandal of Adilabad and also declared her as not local Scheduled Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee:

- Rathod Sujatha D/o Namdev R/o Yenda (vg) of Utnoor Mandal of Adilabad District appeared before the Committee on 30.11.2019 and 02.12.2019 and submitted the following documents:
  - 1358 Fasli (1948 year) of Ushegaon village, Jainoor Mandal. .
  - 1954-55 Khasra Pahani of Shyampur village.
  - 1955-56 to 1957-58 Theen Sala pahani.
  - Wasool Baqui.
  - Asal Setwar.
  - 1960-61, 1965-66, 1970-71, 1974-75, 1980-81, 1985-86, 1991-92, 1994-95, 2000-01, 2005-06 and 2011-12 pahani copies.
  - 1977 voters list and 1993 voters list.
  - Tahsildar, Jainoor certificate D/2081/2011 dated 23.11.2011.

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- Tahsildar, Utnoor certificate E/63/2015, dated 30.01.2015.
- Copy of PPB New No.T13180140428.
- Scrutiny Committee in its final hearing on 24.12.2019 concluded with the following findings:
  - On verification of Family Tree & Land documents:
    - As per 1358 Fasli (1948 year) of Ushegaon village, Jainoor Mandal, Kumrambheem Asifabad district, at Sy.No.1 PP, Lachma S/o Sakaram (great grandfather) is recorded.
    - As per Khasra Pahani 1954-55 of Shyampur village, Utnoor Mandal, at Sy.No.39, Lachma S/o Sakaram (great grandfather) is recorded.
    - As per Wasool Baqui at Sy.No.39 (old), 124 (new) Lachma S/o Sakaram is recorded.
    - As per pahanies 1965-67, 1974-75 – Sy.No.124/AA – Namdev S/o Lachma (grandfather) is recorded.
    - As per new PPB T13180140428 of Shyampur village, at Sy.No.124/AA, Munnibai W/o Namdev (mother) is recorded.
    - Candidate submitted (2) different village records and failed to prove how the land is inherited in (2) different villages i.e. Ushegaon of Jainoor Mandal & Shyampur village of Utnoor Mandal.
    - As per Voters list 1971 of Boath Assembly Constituency at Sl.No.123, the name of Namdev S/o Lachma with age as 25 years & as per the Voters list of 1977 year of 243 Khanapur Assembly Constituency at Sl.No.470, Bangi Namdev S/o Lachma is recorded. The applicant's age as per SSC Memo is 01.06.1996, as on date of verification is (23) years & applicant's father age as per 1971 voter's list is (25). Thus the age between Father & Daughter (applicant) at present stage is 50 years which is huge difference.
    - Moreover the applicant has submitted three (3) different family trees which are objectionable & punishable. The candidate is in the merit list which is going to do government service, who is to be honest and good in character, but in this case she manipulated the records for getting the certificate by cheating the officials. So it clearly shows the antecedents and character of the candidate.
  - A show cause notice was issued to Rathod Sujatha D/o Namdev R/o Yenda (vg) of Utnoor Mandal to attend before the District Collector, Adilabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
  - Accordingly, Rathod Sujatha D/o Namdev R/o Yenda (vg) of Utnoor Mandal has attended before the Dist. Collector, Adilabad on 28.01.2020 and submitted reply in writing stating that due to unaware, three family trees were submitted – the reason of being unaware cannot be accepted

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as valid reason and has failed to prove that the forefathers/family members of the claimant are residing continuously in the Agency Scheduled Area since 1950 or before.

**3)** Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Kum.Rathod Sujatha D/o Namdev R/o Yenda Village of Utnoor Mandal of Adilabad vide ref. 3<sup>rd</sup> read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, TW (LTR.1) Department. The contentions of Rathod Sujatha D/o Namdev are as follows:

- She has been selected for post of TRT under Agency Area Local ST category of Adilabad District and her case has been forwarded to the Scrutiny Committee headed by PO ITDA Utnoor for verification genuineness of her local status.
- It is obligatory on the part of the Dist. Collector to give her an opportunity of hearing before recording its conclusions – but no such opportunity for proposed cancellation was given to her either by the Scrutiny Committee or by the Dist. Collector.
- The facts and grounds were completely glossed over by the Dist. Collector, Adilabad and ordered cancellation of Agency Area ST certificate dated 30.1.2015.
- She cannot be found fault for any manipulations or creating false documents etc. in the absence of any legend proof, relevancy and admissibilities in the absence of an opportunity being afforded to her.
- She has submitted herewith the Family Tree duly attested by the Notary-Advocate, Migration Certificate, residential proof of Sri Lachma S/o Sakaram R/o Jamgaon relating to owner of Sy.No.1 PP to an extent of acs.10.00 for the year 1950-51 etc.
- Therefore, she prayed to consider her appeal setting aside the cancellation orders issued by the Dist. Collector, Adilabad.

4. The following documents which have been submitted along with the Appeal and also during hearing on 5.9.2020 are examined and observed as follows:

- i) As per Family Tree duly attested by Sri Ghanshyam Lal Gupta, Advocate & Notary Public, Utnoor:
  - Lachma S/o Sakaram is grandfather of appellant. He has three sons viz., 1) Gangaram 2) Namdev (father of appellant) and 3) Gurusinh.
  - Namdev (father of appellant) has four sons and two daughters namely 1) Soraji (eldest son) 2) Babji (2<sup>nd</sup> son) 3) Mahendar (3<sup>rd</sup> son) 4) Jahendar (4<sup>th</sup> son) and 5) Sujatha (daughter and appellant herein).
- ii) Fasli 1358 (year 1948) – village: Ushegaon – Taluq: Utnoor – shows name of Lachma S/o Sakaram (grandfather of appellant) for an extent of acs.10.00.

- iii) Pahani for the year 1950-51 – village: Ushegaon – shows name of Lachma S/o Sakharam (grandfather of appellant) for an extent of acs.10.00 in Sy.No.1 PP.
- iv) Khasra Pahani 1954-55 – village: Shampur – Taluk: Utnoor – shows name of Lachma S/o Sakharam R/o Yenda (grandfather of appellant) for the cultivated extent of acs.18.00.
- v) Theensala Pahani 1955-56 to 1957-58 – village: Shampur – shows name of Lachma S/o Sakharam (grandfather of appellant).
- vi) Pahani for the year 1960-61 – village: Shampur – shows name of Lachma S/o Sakharam for an extent of acs.18.31 in Sy.No.39.
- vii) Pahani for the year 1965-66, 1970-71, 1974-75, 1985-86, 1991-92 – Shampur village – shows name of Lachma S/o Sakharam for an extent of acs.8.32 and acs.2.21 in Sy.Nos.124 and 125 respectively.
- viii) Pahani for the year 2000-01, 2005-06, 2011-12 – village: Syampur – shows name of Rathod Gangaram S/o Lachma (eldest brother of father of appellant) in Sy.No.124/A for an extent of acs.2.37, Rathod Namdev S/o Lachma (father of appellant) for an extent of acs.2.37 in Sy.No.124/AA and Rathod Guruvaiah S/o Lachma (younger brother of father of appellant) for an extent of acs.2.38 in Sy.No.124/E.
- ix) Original Shetwar Register - name of Lachma S/o Sakharam (grandfather of appellant) was recorded.
- x) Wasool Baqi Register – name of Lachma S/o Sakharam was recorded under Khata No.33 for an extent of acs.18.2 gts.
- xi) New PPB bearing No.T13180140128 – Khata No.206 – village: Syampur – Mandal: Utnoor – issued to Rathod Munibai W/o Rathod Namdev (mother of appellant) – issued on 10.4.2018 – shows an extent of acs.2.37, 0.34 gts and 1.31 acres in Sy.No.124/A, 125/A and 126/A respectively.
- xii) Pahani for the fasli 1423 (2013 year) – village: Syampur – Mandal: Utnoor – shows an extent of acs.1.31 in Sy.No.128/AA in the name of Rathod Namdev S/o Lachma (father of appellant).
- xiii) Pahani for the fasli 1424 (2014 year) – village: Syampur – Mandal: Utnoor – shows an extent of acs.2.37 in Sy.No.124/A in the name of Rathod Namdev S/o Lachma (father of appellant).
- xiv) Pahani for the fasli 1426 (2016 year) – village: Syampur – Mandal: Utnoor – shows an extent of acs.1.31 in Sy.No.128/AA in the name of Rathod Namdev S/o Lachma (father of appellant).
- xv) Pahani for the fasli 1426 (2016 year) village: Syampur – Mandal: Utnoor – shows an extent of acs.0.34 in Sy.No.125/A in the name of Rathod Namdev S/o Lachma (father of appellant).

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- xvi) Pahani for the fasli 1427 (2017 year) – village: Syampur – Mandal: Utnoor – shows an extent of a/cs.1.31 in Sy.No.128/A in the name of Rathod Muniibai W/o Namdev (mother of appellant).
- xvii) Pahani for the fasli 1427 (2017 year) – village: Syampur – Mandal: Utnoor – shows an extent of a/cs.0.34 in Sy.No.125/A in the name of Rathod Munibai W/o Rathod Namdev (mother of appellant).
- xviii) Pahani for the fasli 1427 (2017 year) – village: Syampur – Mandal: Utnoor – shows an extent of a/cs.2.37 in Sy.No.124/A in the name of Rathod Munibai W/o Namdev (mother of appellant).
- xix) Voter list for the year 1971 – Boath Assembly Constituency – Yenda village – Part No.160 – shows name of Namdev S/o Lachma (father of appellant), aged 25 years (as on 1.1.1971) and Munnibai W/o Namdev (mother of appellant) aged 21 years (as on 1.1.1971) at Sl.Nos.123 and 124 under H.No.1-80/1. Also names of Lachma S/o Sakaram and Gangaram S/o Lachma (i.e.grandfather and eldest brother of father of appellant) at Sl.Nos.381 and 382 under H.No.2-50-A.
- xx) Voter list for the year 1977 – 243 Khanapur Assembly Constituency – Part No.89 – Village: Yenda – Firka: Utnoor – Taluk: Utnoor – shows name of Namdev S/o Lachma (father of appellant) and Munnibai W/o Namdev (mother of appellant) at Sl.Nos.470 and 471 under H.No.2-50C.
- xxi) Voter list for the year 1988 – 243 Khanapur Assembly Constituency – Polling Station No.4 – village: Yenda – Mandal: Utnoor – show names of Gangaram S/o Lachma (eldest brother of father of appellant) and his wife Jayijabai W/o Gangaram at Sl.Nos.153 and 154. Also names of Rathod Gurusinh (younger brother of father of appellant) was shown at Sl.No.171.
- xxii) Voter list for the year 1989 – 243 Khanapur (ST) Assembly Constituency – Polling Station No.4 – Polling area: Yenda – Mandal: Utnoor – show names of Rathod Namdev S/o Lachma and Munnibai W/o Namdev (parents of appellant) at Sl.Nos.781 and 782 under H.No.1-223/A.
- xxiii) Voter list for the year 1993 – 243 Khanapur (ST) Assembly Constituency – Polling Station No.4 – Polling Area: Yenda – Mandal: Utnoor – show names of 1) Rathod Gurusinh S/o Laxmansingh (younger brother of father of appellant) and his wife Jajibai at Sl.Nos.505 and 506 under H.No.1-15 and also 1) Rathod Namdev S/o Laxmana (father of appellant) and Rathod Munnibai W/o Namdev (parents of appellant) at Sl.Nos.543 and 544 under H.No.1-29.
- xxiv) Certificate bearing No.D/208/2011, dt.23.11.2011 issued by the Tahsildar, Jainoor certifying on the basis of the certification made by the Village Revenue Officer, Jamgaon and MRI-I Jainoor, that Sri Lachma S/o Sakaram has resided in Jamgaon village of Jainoor Mandal from 1950 to 1953-54 and as per Faisal

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Patti for the year 1950 of Jamgaon (Ushegaon) village, he is Shivai Jamedar cultivator for an extent of acs.10.00 against Sy.No.1 Porampoke of Jamgaon (Ushegaon) village.

- xxv) Certificate of Proof of Local Scheduled Tribe Community – issued by the Tahsildar, Utnoor that Kum.Rathod Sujatha D/o Namdev, aged about (19) years – DoB is 01.06.1996 – belongs to Lambadis (ST) community is residing at Yenda colony village of Utnoor Mandal. Her forefathers and parents are residing (from 1950 to till date) at Yenda colony village of Utnoor Mandal, Adilabad District, which falls within the scheduled area w.e.f. 26.1.1950.
  - xxvi) Death Certificate issued by Panchayat Secretary, GP Yenda, Mandal: Utnoor vide Registration No.GPY/04/17, date of regn 18.02.2017, date of issue – 20.03.2017 – wherein it was certified that Rathod Namdev S/o Lachma & Puri Bai (father of appellant) was expired on 16.02.2017 at Yenda Colony of GP Yenda, Mandal: Utnoor, Dist. Adilabad.
  - xxvii) Declaration by village elders dt.19.02.2020 (GP Yenda) and signed by Sarpanch – they affirmed that Rathod Namdev S/o Lachma (i.e. father of appellant) was born in their village Yenda and his family has been living from before 1950. He has four sons and one daughter namely Rathod Sujatha. Rathod Sujatha has been selected for the post of TRT and hence confirmed her agency area local status.
  - xxviii) During hearing on 05.09.2020 she submitted representation stating that she has already been recruited as FBO (Forest Beat Office) in which she joined duty on 12.10.2019 as per Progs.Rc.No.189/2019/FA2, dt.12.10.2019 of the Forest Divisional Officer, Adilabad (copy enclosed) wherein it has been found that she has been selected for the post of Forest Beat Officer in the recruitment taken up by TSPSC under Local ST category and posted to Soankhas Section of Bela Range, Jhari Beat. She further stated that she got this FBO job basing on the agency certificate which has been verified by the MRO, RDO, PO, Dist. Collector. Now for her selection to the post of TRT, the same authorities treated her agency area certificate as not genuine.
  - xxix) GP Resolution dt.28.8.2020 by Sarpanch, GP Yenda – wherein it was stated that Sri Rathod Namdev S/o Lachma (father of appellant) lived in Jamgaon of Jainor Mandal and from there migrated to Yenda village in 1954-55 and settled therein. Sri Namdev has four sons and one daughter. The family since 1954-55 has been cultivating lands.
- 5) Vide reference 4<sup>th</sup> read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

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6) Accordingly, vide reference 5<sup>th</sup> read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

7) Vide reference 6<sup>th</sup> read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 submitted documents in support of her claim that they have been residing in the Agency Area since 26.1.1950.

8) From the above documents, it is found that the appellant Rathod Sujatha D/o Namdev R/o Yenda village of Utnoor Mandal is the agency area local ST of Yenda, an agency village in Utnoor Mandal of Adilabad District as her family/fore-fathers have been continuously living in the agency villages i.e. Jamgaon (Ushegaon) from before 1950 to 1954 and from there onwards till now at Yenda-v of Utnoor Mandal.

9) Government after careful examination of the documents available on record sent by the the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant Rathod Sujatha D/o Namdev R/o Yenda village of Utnoor Mandal is the agency area local ST of Yenda, an agency village in Utnoor Mandal of Adilabad District as her family/fore-fathers have been continuously living in the agency villages i.e. Jamgaon (Ushegaon) from before 1950 to 1954 and from there onwards till now at Yenda-v of Utnoor Mandal.

10) Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs. Rc.No.C3/2596/2019-19, dated 31.01.2020 and allow the Appeal filed by the appellant Rathod Sujatha D/o Namdev R/o Yenda village of Utnoor Mandal of Adilabad district and declaring her as local Scheduled Tribe of Yenda agency village of Adilabad district and also the Local ST certificate bearing No.E/63/2015, dt.30.01.2015 issued by the Tahsildar, Utnoor to her, is treated as valid.

11) The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**Dr.CHRISTINA Z.CHONGTHU  
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Rathod Sujatha D/o Namdev R/o Yenda village of Utnoor Mandal of Adilabad district

Copy to:

1. The Secretary, Telangana State Public Service Commission,  
Hyderabad (for information & necessary action)

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2. The Project Officer, ITDA Utnoor, Adilabad District  
(for information & necessary action)
3. The District Educational Officer, Adilabad  
(for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

**//FORWARDED :: BY ORDER//**

**SECTION OFFICER**